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12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 KEYHERRA GREEN ,
15 Plaintiff,
16 vs.
17 LAS VEGAS METROPOLITAN POLICE
DEPARTMENT; FRED MERRICK; LORA
18 CODY; and DOES 1-10, inclusive,
19 Defendants.

Case No. 2:20-cv-00769-KJD-DJA

**STIPULATION TO EXTEND
DISCOVERY [EXPERT DISCLOSURE
DEADLINE]
(Sixth Request)**

20 IT IS HEREBY STIPULATED AND AGREED between the parties that the current
21 deadline for disclosure of experts, be continued for a period of sixty (60) days up to and including
22 January 4, 2022, for the purpose of allowing the parties to finish responding to written discovery,
23 to allow for responses to various third-parties and to finish taking the depositions of the parties.
24 Experts will need additional time to review the materials and prepare their expert reports.

1 **I. DISCOVERY COMPLETED TO DATE**

2 The parties have exchanged their initial Rule 26 Disclosures and multiple Supplemental
3 Disclosures. Plaintiff has responded to written discovery (Interrogatories, Requests for
4 Admissions, Requests for Production of Documents) propounded by each of the Defendants. Each
5 Defendant has responded to numerous written discovery requests from Plaintiff. The parties had
6 discovery disputes and LVMPD Defendants filed a Motion for Protective Order which this Court
7 granted. [ECF No. 60].

8 The deposition of Defendant Merrick has been taken. The LVMPD Defendants served
9 numerous third-party subpoenas; many out of state which responses were received and
10 supplemental disclosures were made. The LVMPD Defendants recently served additional
11 Subpoenas to more out of state third-parties and are waiting for responses.

12 **II. DISCOVERY YET TO BE COMPLETED**

13 The LVMPD Defendants will be reviewing all of their prior discovery responses and providing
14 any outstanding information/documents to Plaintiff after an agreement between Counsel. The
15 LVMPD Defendants are waiting for responses to out of state third-party Subpoenas served.

16 The depositions of Defendant Cody and Plaintiff still need to be taken, as well as 30(b)(6)
17 deposition(s). Counsel will be discussing availability and possible dates for depositions directly.

18 Upon receipt of additional materials and deposition transcripts, the parties' experts will prepare
19 their reports and they will be disclosed.

20 **III. REASONS WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

21 As this Court is well aware of the history concerning discovery in this matter, it is aware
22 that substantial discovery has been conducted. However, due to deadlines in other non-related
23 matters as well as preparing for multiple Trials in other cases, there has been some delay in
24 finalizing discovery that is needed for experts to review and finalize their reports. Because of this

1 the parties are presently seeking an extension of only the expert disclosure deadline. Should the
2 parties require additional time to complete discovery generally, they will request it at a later date.

3 **PROPOSED EXTENDED DEADLINES**

4 The parties respectfully request this Court enter an order as follows:

5 **(A) Discovery Deadline.**

6 The parties do not seek an extension of this deadline and it shall remain to be **January 4,**
7 **2022.**

8 **(B) Experts and Rebuttal Experts.**

9 The parties shall disclose expert reports on or before **January 4, 2022.** The parties will
10 seek an extension of the deadline to disclose rebuttal experts at a later date if necessary.

11 **(C) Dispositive Motions.**

12 The parties are not currently seeking an extension of this deadline. All pretrial motions,
13 including but not limited to, discovery motions, motions to dismiss, motions for summary
14 judgment, and all other dispositive motions shall be filed and served no later than thirty (30) days
15 after the close of discovery, or by **February 3, 2022.**

16 **(D) Motions in Limine/*Daubert* Motions.**

17 Under LR 16-3(b), any motions in limine, including *Daubert* motions, shall be filed and
18 served 30 days prior to the commencement of Trial. Oppositions shall be filed and served and the
19 motion submitted for decision 14 days thereafter. Reply briefs will be allowed only with leave of
20 the Court.

21 **(E) Pretrial Order.**

22 The parties are not currently seeking an extension of this deadline. Pursuant to LR
23 26(1)(e)(5), the Joint Pretrial Order shall be filed with this Court no later than thirty (30) days after
24 the date set for filing dispositive motions, or by **March 7, 2022**, unless dispositive motions are

1 filed, in which case the date for filing the Joint Pretrial Order shall be suspended until 30 days after
 2 the decision on the dispositive motions or further order of this Court. The disclosures required by
 3 Fed. R. Civ. P. 26(a)(3) and any objections shall be included in the final pretrial order.

4 **(F) Extensions or Modification of the Discovery Plan and Scheduling Order.**

26-3

5 In accordance with LR 26-4, applications to extend any date set by the discovery plan,
 6 scheduling order, or other order must, in addition to satisfying the requirements of LR 6-1, be
 7 supported by a showing of good cause for the extension. All motions or stipulations to extend a
 8 deadline set forth in a discovery plan shall be received by the Court not later than 21 days before
 9 the expiration of the subject deadline. A request made after the expiration of the subject deadline
 10 shall not be granted unless the movant demonstrates that the failure to set was the result of
 11 excusable neglect. Any motion or stipulation to extend a deadline or to reopen discovery shall
 12 include:

- 13 (a) A statement specifying the discovery completed;
- 14 (b) A specific description of the discovery that remains to be completed;
- 15 (c) The reasons why the deadline was not satisfied or the remaining discovery was not
- 16 completed within the time limits set by the discovery plan; and
- 17 (d) A proposed schedule for completing all discovery.

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1 This request for an extension is made in good faith and joined by all the parties in this case.
2 The Request is timely pursuant to LR 26-3. Trial is not yet set in this matter and dispositive
3 motions have not yet been filed. Accordingly, this extension will not delay this case. Moreover,
4 since this request is a joint request, neither party will be prejudiced. The extension will allow the
5 parties the necessary time to complete discovery.

6 DATED this 18th day of October, 2021.

7 KAEMPFER CROWELL

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16 **IT IS SO ORDERED.**

17 DATED this 19th day of October, 2021.

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DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE
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